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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,749	09/25/2003	Kevin P. Parker	PRKR-4100	2758
7590	08/27/2007		EXAMINER	
Philip A. Girard GIRARD & EQUITZ LLP Suite 1110 400 Montgomery Street San Francisco, CA 94104			GATES, ERIC ANDREW	
			ART UNIT	PAPER NUMBER
			3722	
			MAIL DATE	DELIVERY MODE
			08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,749	PARKER, KEVIN P.	
	Examiner Eric A. Gates	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 May 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11,13-17,19-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) 24-28 is/are withdrawn from consideration.
- 5) Claim(s) 1-11,13,14,19-21 and 23 is/are allowed.
- 6) Claim(s) 15-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 May 2007 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed 29 May 2007.

Drawings

2. The annotated drawings were received on 29 May 2007. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U.S. Patent 4,511,298).

5. Regarding claim 15, Jones discloses a book binding apparatus 10 for binding a stack of sheets L, said apparatus comprising: a first cover element 12 including a folded sheet 12 having a fold 20 which separates the folded sheet into first 16 and second 18 cover sections, with the first and second cover sections each having dimensions that generally correspond to dimensions of the sheets of the stack of sheets L; and an elongated spine element 14 having a longitudinal first edge 26 (the left side portion of 14 as seen in figure 8 forms a longitudinal edge at the fold) attached to the folded sheet

12 adjacent the fold 20 in the folded sheet, with a longitudinal second edge (the upper or lower right edge portion of 14 as seen in figure 8) of the spine element 14 not being attached to the folded sheet 12 and with the spine element 14 including a substrate 14 and an adhesive matrix of heat activated adhesive (the adhesive matrix is integral with the substrate in the form of a film, such as Mylar, and is heated to adhesively attach it to the folded sheet, see column 3, lines 31-36) disposed on the substrate.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Giulie (U.S. Patent 4,385,225).

8. Regarding claim 16, Jones discloses the invention substantially as claimed, except Jones does not disclose wherein the adhesive matrix defines a multiplicity of spaced apart longitudinal grooves that facilitate folding of the spine element.

Giulie teaches the use of a heat activated adhesive matrix that comprises a multiplicity of spaced apart longitudinal grooves 17 for the purpose of facilitating folding of a spine element 12. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the binding

apparatus of Jones with the adhesive matrix of Giulie in order to have a spine element that is easier to fold.

9. Regarding claim 17, the modified invention of Jones discloses wherein the elongated spine element 14 further includes a pressure sensitive adhesive 28 disposed along the longitudinal second edge 24 of the spine element and a release liner 30 disposed over the pressure sensitive adhesive.

Allowable Subject Matter

10. Claims 1-11, 13-14, 19-21, and 23 are allowed.

Response to Arguments

11. Applicant's arguments filed 29 May 2007 regarding claim 15 have been fully considered but they are not persuasive.

12. In response to applicant's argument that "tape 14 has a longitudinal first edge and a longitudinal second edge, neither of which is attached to the folded sheet adjacent the fold in the folded sheet as recited in claim 15", it is noted that the first and second edges are clearly identified in the rejection of claim 15 above.

13. For the reasons as set forth above, the rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

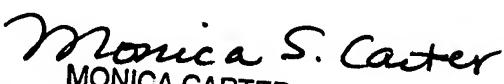
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday - Thursday 8:45AM - 6:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG
16 August 2007



MONICA CARTER
SUPERVISORY PATENT EXAMINER